

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

**FILED**

Jul 25 2011

Clerk, U.S. District Court  
Western District of Texas

By:   
Deputy

UNITED STATES OF AMERICA

vs.

(1) JOSE CARMONA-HERNANDEZ

§  
§ CASE NUMBER: EP:11-M -03523(1) DCG  
§ USM Number:  
§  
§

Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
**(For A Petty Offense) - Short Form**

The defendant, Jose Carmona-Hernandez, was represented by counsel, Jose Montes Jr..


The defendant pled guilty to the complaint on July 25, 2011. Accordingly, the defendant is adjudged guilty of the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>
8 USC 1325(a)(1)	Improper entry by an alien	July 11, 2011

As pronounced on July 25, 2011, the defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of **Time Served**. The defendant shall remain in custody pending service of sentence.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because of reasonable efforts to collect this assessment are not likely to be effective.

Signed on this the 25th day of July, 2011.

  
DAVID C. GUADERRAMA  
U.S. MAGISTRATE JUDGE

**United States District Court**  
**Western District of Texas**  
**El Paso Division**

**FILED****Jul 13 2011**

**Clerk, U.S. District Court**  
**Western District of Texas**

By: 

Deputy

USA

vs.

**(1) JOSE CARMONA-HERNANDEZ**§  
§  
§  
§  
§

CRIMINAL COMPLAINT  
CASE NUMBER: **EP:11-M -03523(1)**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **July 11, 2011** in **El Paso** county, in the **WESTERN DISTRICT OF TEXAS** defendant(s) did, (track statutory language of offense) being an alien to the United States, knowingly enter and attempt to enter the United States at a time and place other than as designated by immigration officers in violation of Title **8** United States Code, Section(s) **1325(a)(1)**.


I further state that I am a(n) **Border Patrol Agent** and that this complaint is based on the following facts:

***"The Defendant, Jose CARMONA-Hernandez, an alien to the United States and a citizen of Mexico, claims to have entered the United States from the Republic of Mexico by wading the Rio Grande River on July 11, 2011, at El Paso, Texas, 3.4 miles east of the Ysleta Port of Entry in the WESTERN DISTRICT OF TEXAS. The place where the Defendant entered is not designated as a Port of Entry by immigration officers."***

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

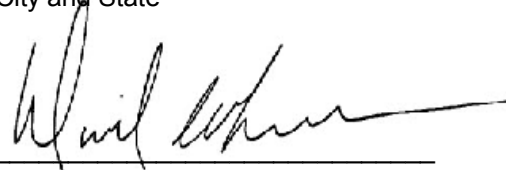
Sworn to before me and subscribed in my presence,

  
Signature of Complainant  
Caballero, Pedro  
Border Patrol Agent

July 13, 2011  
Date

at EL PASO, Texas  
City and State

DAVID C. GUADERRAMA  
U.S. MAGISTRATE JUDGE

  
Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT

**WESTERN DISTRICT OF TEXAS**

**(1) JOSE CARMONA-HERNANDEZ**

FACTS (CONTINUED)

On 07/11/2011, at approximately 9:30 PM, Border Patrol Agent Jose Garcia was performing line watch duties 3.4 miles east of the Ysleta Port of Entry when he observed four individuals running north of the Rio Grande River. Agent Garcia pursued the individuals on foot and apprehended three of the four individuals. Agent Garcia identified himself as a United States Border Patrol Agent and questioned the individuals, to include the DEFENDANT later identified as Jose CARMONA-Hernandez, as to their citizenship. After a brief field interview it was determined that the DEFENDANT was not in possession of the immigration documents that would allow him to remain in the United States legally. All three individuals were transported to the Ysleta Border Patrol Station for further processing. The DEFENDANT was enrolled in the E3/IAFIS/IDENT system, which returned with positive immigration and negative criminal history. The DEFENDANT was advised of his rights via the form I-214 and acknowledged he understood by signing the form.

The Defendant, Jose CARMONA-Hernandez, an alien to the United States and a citizen of Mexico, claims to have entered the United States from the Republic of Mexico by wading the Rio Grande River on July 11, 2011, at El Paso, Texas, 3.4 miles east of the Ysleta Port of Entry in the WESTERN DISTRICT OF TEXAS. The place where the Defendant entered is not designated as a Port of Entry by immigration officers.

IMMIGRATION HISTORY:

The DEFENDANT has been granted 3 voluntary departure(s), the last on June 11, 2009, through DOUGLAS, AZ.

CRIMINAL HISTORY:

**NONE**

United States District Court  
Western District of Texas  
El Paso Division

FILED

Jul 13 2011

Clerk, U.S. District Court  
Western District of Texas

By: 

Deputy

UNITED STATES OF AMERICA

VS.

(1) JOSE CARMONA-HERNANDEZ

Defendant

§  
§  
§  
§  
§  
§

CASE NUMBER: EP:11-M -03523 (1)

TIME - 0:00 MIN.

Interpreter Required: Yes ☒ No ☐

\*PROCEEDINGS SHEET/NOTICE

8 USC 1325 (a) (1)

TAKE NOTICE That a proceeding in this case has been set for the place, date and time set forth below:

PLACE

Albert Armendariz, Sr.  
United States Courthouse  
525 Magoffin Avenue  
El Paso, Texas 79901

ROOM NO.

Magistrate Courtroom, Room 411

DATE AND TIME

July 25, 2011 at 9:00 AM

TYPE OF PROCEEDING

MISDEMEANOR ARRAIGNMENT

DAVID C. GUADERRAMA

UNITED STATES MAGISTRATE JUDGE

July 13, 2011

INITIAL APPEARANCE DATE \*\*

Greg Duenas

(915) 834-0509

(BY) DEPUTY CLERK

TO: DEFENDANT:

DEF ATTORNEY: Jose Montes Jr. (915) 881-8600

(CJA)

U.S. PROBATION

U.S. PRETRIAL

U.S. ATTORNEY

U.S. MARSHAL

AGENCY / AGENT: El Paso Sector Border Patrol - Caballero, Pedro

BOND: \$10,000 - CASH OR CORPORATE SURETY

Defendant afforded initial appearance pursuant to Fed.R.Crim.P.5. informed of charges, penalties, right to remain silent, right to preliminary examination, right to be represented by counsel, and to appointment of counsel if Defendant is financially unable to obtain counsel, and the circumstances under which Defendant may secure pretrial release. \*\* Initial appearance for Defendant is electronically recorded.

<b>1. CIR./DIST./DIV. CODE</b> TXW		<b>2. PERSON REPRESENTED</b> (1) JOSE CARMONA-HERNANDEZ		<b>VOUCHER NUMBER</b>	
<b>3. MAG. DKT./DEF. NUMBER</b> EP:11-M -03523(1)		<b>4. DIST.DKT./DEF.NUMBER</b>		<b>5. APPEALS DKT./DEF.NUMBER</b>	
<b>6. OTHER DKT. NUMBER</b>		<b>7. IN CASE/MATTER OF (Case Name)</b> U.S. vs. Carmona-Hernandez		<b>8. PAYMENT CATEGORY</b> Petty Offense	
<b>9. TYPE PERSON REPRESENTED</b> Adult Defendant		<b>10. REPRESENTATION TYPE</b> Criminal Case			
<b>11. OFFENSE(S) CHARGED</b> (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 8 USC 1325(a)(1) - IMPROPER ENTRY BY AN ALIEN 8 USC 1325(a)(1)					
<b>12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS</b>  Jose Montes Jr. 1155 Westmoreland Dr.Suite 120 El Paso, TX 79925  Telephone Number: (915)881-8600			<b>13. COURT ORDER</b> <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs for Federal Defender <input type="checkbox"/> R Subs for Retained Attorney <input type="checkbox"/> P Subs for Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Date: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions) _____		
			Signature of Presiding Judicial Officer or By Order of the Court 07/13/2011 Date of Order                      Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time of appointment <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)</b>					
<b>CLAIM FOR SERVICES AND EXPENSES</b>					
<b>CATEGORIES (Attach itemization of services with dates)</b>		<b>HOURS CLAIMED</b>	<b>TOTAL AMOUNT CLAIMED</b>	<b>FOR COURT USE ONLY</b>	
				<b>MATH/TECH ADJUSTED HOURS</b>	<b>MATH/TECH ADJUSTED AMOUNT</b>
					<b>ADDITIONAL REVIEW</b>
15. a. Arraignment and/or Plea					
b. Bail and Detention Hearings					
c. Motion Hearings					
d. Trial					
e. Sentencing Hearings					
f. Revocation Hearings					
g. Appeals Court					
h. Other (Specify on additional sheets)					
(RATE PER HOUR = \$ ) TOTALS:					
16. a. Interviews and Conferences					
b. Obtaining					
c. Legal research and brief writing					
d. Travel time					
e. Investigative and other work (Specify on additional sheets)					
(RATE PER HOUR = \$ ) TOTALS:					
17. Travel Expenses (lodging, parking, meals, mileage, etc.)					
18. Other Expenses (other than expert, transcripts, etc.)					
<b>GRAND TOTALS (CLAIMED AND ADJUSTED):</b>					
<b>19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE</b>			<b>20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION</b>		<b>21. CASE DISPOSITION</b>
FROM: _____ TO: _____					
<b>22. CLAIM STATUS</b> <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO                      If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO                      If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____					
<b>APPROVED FOR PAYMENT -- COURT USE ONLY</b>					
<b>23. IN COURT COMP.</b>		<b>24. OUT OF COURT COMP</b>		<b>25. TRAVEL EXPENSES</b>	
<b>26. OTHER EXPENSES</b>		<b>27. TOTAL AMT. APPR./CERT.</b>			
<b>28. SIGNATURE OF THE PRESIDING JUDGE</b>				<b>DATE</b>	
<b>28a. JUDGE CODE</b>					
<b>29. IN COURT COMP.</b>		<b>30. OUT OF COURT COMP</b>		<b>31. TRAVEL EXPENSES</b>	
<b>32. OTHER EXPENSES</b>		<b>33. TOTAL AMT. APPR./CERT.</b>			
<b>34. SIGNATURE OF THE CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Payment approved in excess of the statutory threshold amount.</b>				<b>DATE</b>	
<b>34a. JUDGE CODE</b>					